

1 E. MARTIN ESTRADA
2 United States Attorney
3 MACK E. JENKINS
Assistant United States Attorney
Chief, Criminal Division
ANDREW BROWN (Cal. Bar No. 172009)
4 Assistant United States Attorney
Major Frauds Section
5 1100 United States Courthouse
312 North Spring Street
6 Los Angeles, California 90012
Telephone: (213) 894-0102
7 Facsimile: (213) 894-6269
E-mail: andrew.brown@usdoj.gov

8 Attorneys for Applicant
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 IN RE: SEARCH WARRANT FOR

13 TAN 2000 TOYOTA CAMRY with
California license plate 4MCY415
14 or Vehicle Identification Number
4T1BF22K3YU108906

No. 2:24-MJ-7170

GOVERNMENT'S EX PARTE APPLICATION
FOR ORDER SEALING SEARCH WARRANT
AND SUPPORTING AFFIDAVIT;
MEMORANDUM OF POINTS AND
AUTHORITIES; DECLARATION OF AUSA
ANDREW BROWN

(**UNDER SEAL**)

18 The government applies ex parte for an order directing that the
19 search warrant and all attachments thereto, the application for the
20 search warrant and all attachments thereto, as well as this ex parte
21 application, the memorandum of points and authorities, the
22 declaration of AUSA Andrew Brown, and this Court's sealing order, be
23 kept under seal until further order of the Court, or until the
24 government determines that these materials are subject to its
25 discovery obligations in connection with criminal proceedings, at
26 which time they may be produced to defense counsel.

27 This ex parte application is based on the attached memorandum of
28 points and authorities, the declaration of AUSA Andrew Brown, and the

1 records and files in this case, including the application for search
2 warrant and attachments thereto.

3 Dated: December 3, 2024

Respectfully submitted,

4 E. MARTIN ESTRADA
United States Attorney

5 MACK E. JENKINS
6 Assistant United States Attorney
Chief, Criminal Division

7 *Andrew Brown*
8

9 ANDREW BROWN
Assistant United States Attorney

10 Attorneys for Applicant
UNITED STATES OF AMERICA

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 The government requests that this Court seal the search warrant
3 and supporting affidavit in this case in order to maintain the
4 integrity of this investigation. Approval from this Court to seal
5 these documents is required under Local Rule 79-5.1. The Court of
6 Appeals for the Ninth Circuit has held that district courts have the
7 inherent power to seal affidavits in support of warrants. In re
8 Sealed Affidavit (Agosto), 600 F.2d 1256 (9th Cir. 1979) (per
9 curiam); see also Offices of Lakeside Non-Ferrous Metals, Inc., 679
10 F.2d 778 (9th Cir. 1982) (citing Agosto).

11 The Court of Appeals for the Seventh Circuit has rejected the
12 proposition that pre-indictment disclosure of a search warrant
13 affidavit is required under either constitutional principles or
14 Federal Rule of Criminal Procedure 41(g). In re EyeCare Physicians
15 of America, 100 F.3d 514 (7th Cir. 1996). In doing so, the Seventh
16 Circuit held:

17 By the very nature of a secret criminal investigation of
18 this type, the target of an investigation more often than
19 not remains unaware of the specific grounds upon which a
20 warrant was issued. If preindictment disclosure of sealed
21 warrant affidavits was required to satisfy due process
(assuming there has been a predicate deprivation of life,
liberty or property), the hands of law enforcement would be
needlessly tied and investigations of criminal activity
would be made unduly difficult if not impossible.

22 Id. at 517; accord In re Grand Jury Proceedings, 115 F.3d 1240, 1247
23 (5th Cir. 1997).

24 Here, for the reasons described in the attached declaration,
25 sealing is necessary to maintain the integrity of the government's
26 investigation. The government accordingly requests that the
27 documents described in the attached declaration be maintained under
28 seal until further order of the Court.

DECLARATION OF AUSA ANDREW BROWN

I, AUSA Andrew Brown, declare as follows:

1. I am an Assistant United States Attorney in the United States Attorney's Office for the Central District of California. I represent the government in the investigation of this matter, in which the government has submitted an affidavit in support of a search warrant.

2. The affidavit in support of the search warrant describes law enforcement techniques and the extent of the investigation so far, which may jeopardize ongoing investigations if the affidavit were to be disclosed.

3. Accordingly, the government requests that the search warrant and supporting affidavit in the above-titled case, together with this ex parte application, the memorandum of points and authorities, the declaration of AUSA Andrew Brown, and this Court's sealing order, be kept under seal until further order of the Court. The government requests that the Court's order not limit its ability to provide copies of the search warrant at the time the warrant is executed, as required by Federal Rule of Criminal Procedure 41(f), and that it further permit the government to provide defense counsel with a copy of the affidavit to comply with its discovery obligations after a criminal prosecution has begun.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration is executed at Los Angeles, California, on December 3, 2024.

Andrew Brown
AUSA ANDREW BROWN